

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

HENRY TREVILLION,

Defendant.

8:18-CR-8

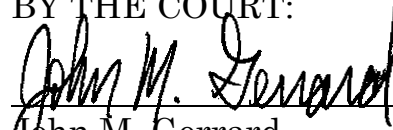
ORDER

The defendant has filed a notice of appeal from the Court's dismissal of his [28 U.S.C. § 2255](#) motion as untimely. [Filing 63](#). A movant cannot appeal an adverse ruling on his § 2255 motion unless he is granted a certificate of appealability. [28 U.S.C. § 2253\(c\)\(1\)](#); [Fed. R. App. P. 22\(b\)\(1\)](#). A certificate of appealability is usually issued only when the movant "has made a substantial showing of the denial of a constitutional right." § 2253(c)(2). But a certificate of appealability may also issue for the Court of Appeals to review a preliminary procedural issue, such as a limitations question. See [Williams v. Bruton](#), 299 F.3d 981, 982 (8th Cir. 2002); see also [Johnson v. Hobbs](#), 678 F.3d 607, 610 (8th Cir. 2012) (granting certificate of appealability on equitable tolling).

IT IS ORDERED that after due consideration, the Court will grant a certificate of appealability as to whether the defendant's § 2255 motion is time-barred.

Dated this 25th day of May, 2021.

BY THE COURT:



John M. Gerrard  
Chief United States District Judge